AdvanceMe Inc v. RapidPay LLC
Doc. 255 Att. 1

EXHIBIT U

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July 28, 2006

Lee Suckow
189 Lake Shore Drive, Suite 2E
Chicago, IL 60611-6313

Re: *AdvanceMe, Inc. v. RapidPay, LLC et. al* (Civil Action No. 6:05-cv-00424) (E.D. Texas) (LED)

Dear Mr. Suckow:

This letter will confirm our July 19, 2006 telephone conversation wherein I informed you that Paul, Hastings, Janofsky & Walker LLP ("Paul Hastings"), on behalf of its client, AdvanceMe, Inc., ("AdvanceMe") wishes to retain you as a consultant and/or expert witness to analyze patent-related issues raised in the above-referenced lawsuit. For convenience, Paul Hastings and AdvanceMe will be referred to in this engagement letter as "we" or "us."

All work that you perform pursuant to this engagement should be treated as strictly confidential and is not to be disclosed to anyone other than to us or our clients, except as authorized by us and/or our clients, or as required by law or court order. In the event we designate you as a testifying expert witness, the work you generate, as well as your communications with us and/or our client, may be discoverable by other parties to this action.

It is too early to determine at this point whether you will be called as an expert witness at trial, but that is a possibility. If you are designated to testify as an expert witness, we may ask you to prepare and sign an expert witness report. This report may contain:

- a complete statement of all opinions to be expressed and the basis and reasons therefor;
- the data or other information considered by you in forming the opinions;
- any exhibits to be used as a summary of or support for the opinions;
- your qualifications, including a list of all publications authored by you within the preceding ten years;
- the compensation to be paid for your work and testimony; and

EXHIBIT
#6

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- a listing of any other cases in which you have testified as an expert at trial or by deposition within the preceding four years.

You will be compensated for your services at an hourly rate of $400.00 per hour. Your fee is commensurate with services rendered and is based on your time actually expended. Your fee is not contingent in any way upon the results of your work or the outcome of the litigation.

Please submit your billings for payment to Capital Access Network, Inc., 2 Overhill Road, Suite 410, Scarsdale, New York 10583, Attention: Parris Sanz, Esq., Senior Vice President, General Counsel, and Secretary. When submitting such billings, please provide us with itemized invoices detailing what tasks you performed and the time you spent on each task. Notwithstanding this engagement, you retain your status as an independent contractor and nothing stated herein shall operate to make you an employee of Paul Hastings or AdvanceMe.

If the terms of the engagement set forth herein are acceptable, please sign and date the duplicate original of this letter where indicated and return to me. We look forward to working with you on this matter.

Very truly yours,

Robert C. Matz
for Paul, Hastings, Janofsky & Walker LLP

THE TERMS OF THE FOREGOING ENGAGEMENT LETTER ARE UNDERSTOOD AND ARE ACCEPTABLE.

____
Lee Suckow

DATED: July __, 2006

bcc: Ronald Lemieux, Esq.
Vid Bhakar, Esq.
Michael Edelman, Esq.
Parris Sanz, Esq.